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Amendments in the Land Revenue Rules and Standing Orders relating thereto issued during the official year 1895-96.

I. Order No. 302-10—*R. F.* 334-92, *dated 1st July* 1895.

Note to the Rules contained in Appendix E.

It is not the intention of Government to introduce the coffee tenure or assessment of the malnad into the maidan parts of the province. Land taken up for coffee cultivation in the maidan must be treated like land taken up for any other cultivation. It should bear the ordinary survey assessment.

2. Such land may be granted free of sale when it has no market value, and *shraya* may be given when it is unoccupied waste for which no applicants on full assessment are forthcoming.

II. Order No. 405-38—*R. F.* 80-94-95, *dated 9th July* 1895.

Note to Rule IX, paras 7 to 14.

The Rules published at pages 202, 203 and 204 of the Mysore Revenue Manual of 1886 and the instructions issued in Notifications Nos. 1461 (Camp) and 245, dated 22nd December 1886 and 10th February 1887, respectively, are applicable to all departments of the Public Service in the province except those in respect of which separate rules have since been laid down under the Mysore Land Revenue Code. The attention of the heads of all departments concerned is accordingly drawn to the Rules and Notifications above referred to, with a request that the instructions therein contained be strictly carried out in their respective departments.

III. Notification No. 918—*Rev.* 326, *dated 19th July* 1895.

To be read as para 10 *a* of R XXVI.

"10 *a*. If, in any case, the Deputy Commissioner should be of opinion that a wider publicity should be given to the notices issued under paras 8 and 10 than has been provided for therein, he may make an order accordingly after levying the cost thereof from the applicant."

IV. Notification No. 1689—*R.* 628, *dated 9th August* 1895.

To be read as para 15 of Rule XXVI.

"For purpose of transfers of names in column 3 of the Mohatarfa Register, Form 13, Appendix "A, Rules XXIV and XXV and clauses 8, 9 and 10 of this Rule "shall be applicable in so far as they may be."

V. Notification No. 1713—*R.* 639, *dated 9th August* 1895.

Appendix A, Form No. 13.

Government direct that the heading of column 2 in Form No. 13, Appendix A of the Land Revenue Rules, issued under Government Notification No. 150, dated 22nd July 1890, be altered from "No. in Form 10" to "No. in Form 11."

VI. Order No. 1758-65—*R.* 659, *dated 10th August* 1895.

Note to Rule XL.

Government observe that Sections 181 and 182 of the Land Revenue Code contemplate two different stages, and it is only after the deposit made by the purchaser at the first sale is forfeited that a second sale should be ordered. If at such second sale there should be any deficiency the same must be made good by the first purchaser under Section 182 without reference to the deposit already forfeited under Section 181. The forfeiture of the deposit is independent of the liability to pay the deficiency and cannot be taken into account in fixing such liability.

VII. Order No. 3092-99—*R.* 1209, *dated 11th September* 1895.

Note to Rule XII.

The object of the Deputy Commissioner's reference in regard to a general ruling on the subject of gomal lands is not understood. When each case calls for the exercise of discretion and judgment, it is plain that no hard and fast rule can be laid down for general guidance. Each case must be decided on its own merits, and in order to guide the Government in arriving at a proper decision Deputy Commissioners are expected to give the full facts of the case and their own opinion properly formed.

VIII. Order No. 3562-70—*R.* 1422, *dated 13th October* 1895.

Note 1 to paras 9 and 14 of Rule XXX.

The proper maintenance of boundary marks is an important work to which particular attention should be paid by Amildars. The Jamabandi Officers must not fail to inspect a fair proportion of these boundary marks and to notice their condition in their reports. The Deputy Commissioners are also expected to exercise timely and efficient supervision in the maintenance of the field boundary marks.

IX. Order No. 5479-87—*R. F.* 263-92, *dated* 12*th December* 1895.

Note 2 to paras 9 and 14 of Rule XXX.

1. Para 2 of Government Proceedings No. 14996-5004—R. 1831, dated 8th March 1893.
2. Para 2 of Government Proceedings No. 6346-54—R. F. 318-92, dated 29th September 1893.
3. Proceedings No. 3562-70—R. 1422, dated 15th October 1895.

The attention of the Deputy Commissioners of districts is drawn to the orders marginally noted and they are requested to pay particular attention to the maintenance and examination of field boundary marks in their respective districts.

X. Order No. 6227-36—*Pet.* 1265, *dated* 10*th January* 1896.

Note 1 to para 4 of Rule XLIII.

The Deputy Commissioner of Tumkur brings to notice the existence of the practice in his district of referring regular claims to hereditary village offices to Amildars for enquiry and report. He entertains doubts as to the legality of this practice and accordingly solicits instructions as to whether it may be continued.

2. Government observe that the practice thus reported to prevail in the Tumkur district is not in accordance with law. The claims mentioned above fall under clause (*a*) of Section 221 of the Mysore Land Revenue Code. Under para 4 of Rule XLIII of the Land Revenue Rules such claims are not cognizable by Amildars ; but have to be enquired into and decided by Deputy Commissioners. The enquiry prescribed for claims of this description is a "formal" one (*vide* para 3 of the Rule quoted above). Para 1 of this Rule lays down that a "formal" enquiry should be conducted in accordance with Sections 201 and 202 of the Revenue Code, which require the evidence to be taken down "by, or in the presence and hearing and under the personal superintendence and direction of the officer making the investigation or enquiry, and shall be signed by him." It is thus obvious that the enquiry should be held by no other officer than the one empowered by law to pronounce a decision in such cases. Government are of opinion that no modification of the Rules in this respect is desirable.

3. The practice which has hitherto obtained is clearly erroneous, and should be discontinued.

XI. Order No. 6289-323—*R.* 2424, *dated* 12*th January* 1896.

Note to Rule IX, paras 7 to 14.

The Rules of 29th May 1863 published at pages 202 and 203 of the Revenue Manual and Rule IX of the Rules framed under the Land Revenue Code contain provisions regarding the acquisition of lands by public servants. They do not absolutely prohibit an officer from acquiring landed property by reason merely of such property being situate within the limits of his jurisdiction, but they prohibit an officer acquiring land from taking a direct part in the cultivation of the same. With the object of giving practical effect to the last mentioned prohibition, the Order of Government No. 24973—R. 3701 of 26th June 1895, was issued. With a view to restrict this order to the requirements of the object in view, the Government resolve to modify it as follows :—

"Order—Government observe that in an agricultural country like Mysore, with a service drawn "from the people of the country, the rules ought not unconditionally to restrict a public servant from "acquiring lands.

"2. The policy of the Durbar is to permit Government servants to acquire lands when such "acquisition is perfectly above board and the lands are outside the jurisdiction of the officer acquiring, "or, if within his jurisdiction, they are old cultivated lands held by tenants paying a stipulated rent "in kind or cash, and as such not requiring any portion of the officer's personal attention for their cultivation. The policy should be the same in all Government departments. Every case of proposed "acquisition will of course be scrutinized and sanction refused if any use of official position now or "hereafter is to be apprehended, but no public official must be placed under a disability to acquire "lands."

XII. Order No. 8652-84—*R. F.* 69-95, *dated* 21*st March* 1896.

Note to para 15 of Rule XXVI.

Government approve of the suggestion made by the Deputy Commissioner of Bangalore and concurred in by the other Deputy Commissioners, and are pleased to direct that paras 1, 2, 3, 4, 7, 12, 13 and 14 of Rule XXVI of the Revenue Rules shall apply to mohatarfa paying buildings. A Notification amending para 15 of Rules XXVI of the Land Revenue Rules will accordingly be published in the *Gazette*.

It should be distinctly understood that this extension does not relieve the village and other officials of their duty of making a proper enquiry into the truth or otherwise of absolute relinquishments, nor does it preclude Jamabandi Officers from granting reasonable and just remissions in special cases even in the absence of a razinama.

XIII. Notification No 8685—*R. F*, 69-95, *dated* 21*st March* 1896.

The Government of Mysore are pleased to direct that para 15 of Rule XXVI of the Land Revenue Rules, as substituted by Notification No. 1689—R. 628, dated 9th August 1895, be amended as follows :—

Between the word "clauses" and the figure "8," insert "1, 2, 3, 4, 7," and after the figure "10," insert "12, 13 and 14," and omit the word "and" connecting the figures 9 and 10.

2. The para thus amended will read as follows :—

Para 15.—For purposes of transfers of names in column 3 of Mohatarfa Register, Form 13, Appendix A, Rules XXIV and XXV and clauses 1, 2, 3, 4, 7, 8, 9, 10, 12, 13 and 14 of this Rule shall be applicable in so far as they may be.

XIV. Notification No. 8746—*R.* 3382, *dated* 26*th March* 1896.

Para 6, Appendix E.

The Government of Mysore are pleased to direct that the following additions be made in para 6 of the Rules in Appendix E of the Rules under the Mysore Land Revenue Code, issued under Government Notification No. 150, dated 22nd July 1890.

(1) After the words " duly demarcated and shall " in line 2, add the word " ordinarily."

(2) After line 3, add the following :—

[*Proviso*] " Provided that, in exceptional cases where a sale by public auction is undesirable, the Government may order the grant of the land to the first applicant or to any other person on a fair valuation."

XV. Order No. 9123-30—*R.* 3535, *dated* 4*th April* 1896.

Register for special notices to persons interested in the continuance of of an occupancy or alienated holding. Note to para 9 of Rule XXXII.

The Government are pleased to direct that in the form of " Register for special notices " prescribed in Government Proceedings No. 4377-84—R. 624-92, dated 14th September 1892, between the first column showing the general number and the second column showing the name of the registered khatedar, two columns be opened, one to show the name of the hobli and the other the name of the village to which the land belongs.

XVI. Order No. 9142-49—*R.* 3539, *dated* 4*th April* 1896.

Note 2 to para 4 of Rule XLIII.

Section 221 of the Land Revenue Code excludes certain matters from the jurisdiction of Civil Courts. Para 3 of Rule XLIII of the Mysore Land Revenue Rules lays down that all cases thus excluded " are adjudicable by Revenue Officers." Para 4 of the same rule enumerates certain cases and lays down that they " are not cognizable by the Amildars." It further provides that " the suits or claims in such cases should be instituted before the Deputy Commissioner, or Assistant Commissioner in charge of the taluk." This para thus makes a distinction between *taking cognizance of cases* and *institution of cases.* The Amildar's cognizance being expressly barred, regular claims to hereditary village offices have to be taken cognizance of by officers superior in rank to Amildars. An Assistant Commissioner not placed in charge of a taluk is one of such officers. There is, therefore, nothing to prevent him from taking cognizance of such claims. But as shown above there is an express provision as regards the officers before whom such claims should be instituted. An Assistant Commissioner not placed in charge of a taluk is not one of those officers. It follows from this that cases of the kind under notice *cannot be instituted* before him, though they can be *taken cognizance of by him.* In other words when any such claim, though not entertainable by him in the first instance, comes properly before him by transfer after its institution before the Deputy Commissioner or an Assistant Commissioner in charge of a taluk, it clearly becomes cognizable and adjudicable by him. On the authority of the orders of Government conveyed in Proceedings No. 1925-32—G. 480-92, dated 5th August 1892, Deputy Commissioners are competent to regulate, from time to time, the powers of Assistant Commissioners not placed in charge of taluks with reference to their special qualifications. To be able to enquire into and decide such cases, and cases of the several classes specially mentioned in para 4 of Rule XLIII, referred to him by the Deputy Commissioner, an Assistant Commissioner not placed in charge of a taluk is competent to take evidence in the manner prescribed by law, and there is nothing in Government Proceedings No. 6227-36—P. 1265, dated 10th January 1896, to preclude him from doing so. The object of that Order was simply to condemn as illegal the practice of Amildars being asked to hold an enquiry into cases not adjudicable by them.

XVII. Order No. 10063-65—*R.* 3873, *dated* 12*th May* 1896.

Note to Rule XI.

Deputy Commissioners have power to permit kharab lands being appropriated for building purposes. The grant of a similar power as regards lands specially reserved under Section 39 of the Land Revenue Code seems unnecessary. In cases of real necessity, there is no difficulty or delay in obtaining the sanction of Government. The amendment of Section 39 does not, therefore, seem desirable.

XVIII. Order No. 4058-65—*Cir.* 78, *dated* 26*th July* 1890.

Note to the Rules contained in Appendix I.

The Rules of 17th September 1887 refer only to " unassessed Government waste land, " which, on application, may be granted for garden cultivation on shraya tenure. They were apparently not intended to apply to culturable waste, the assessment of which is only temporarily held in abeyance. In this view, the applications for the grant, on shraya tenure, of a portion of the free pasture land of the village, which is classed as culturable, is inadmissible.